

Applicant: James B. Riley
Serial No.: 09/637,388

REMARKS/ARGUMENTS

Claims 70-81 are currently before the Examiner for consideration. The Examiner's withdrawal of the § 101 and § 103 rejections is gratefully acknowledged.

35 U.S.C. 102

The Examiner has rejected claims 70-81 as being anticipated by Gupta et al. (U.S. Pat. App. Pub. No. 2003/0196164) (hereinafter "Gupta"). Applicant respectfully disagrees.

To anticipate a claim, the reference must teach every element of the claim. MPEP § 2131. Gupta does not "provid[e] access to the entered notes *after completion* of the interactive learning course" (emphasis added). This limitation is present in Applicant's independent claims 70, 74 and 78. Thus, Applicants' claims require access to entered notes after, not only during, playback of the learning course. The Examiner states that Gupta teaches this limitation at page 1, paragraph 6, which states that "some systems allow a user to select a particular one of these annotations and *begin playback of the presentation* starting at approximately the point in the presentation to which the annotation corresponds" (emphasis added). Applicant disagrees and instead submits that, based on the express recitations of Gupta, Gupta only permits review of annotations or notes *during* playback of the course. By contrast, Applicants' claims allow a user to view the annotation *without playback of the presentation*. This limitation is critical when viewed in light of Applicant's technology, i.e., computer-based interactive learning programs. A user will pay to access a learning program and take notes during it. Normally, the learning program would end and the user would no longer have access to the program materials. However, using Applicant's invention, the user still has access to his or her notes. Gupta does

Applicant: James B. Riley
Serial No.: 09/637,388

not teach this limitation and therefore fails to anticipate the claimed invention.

Claims 70, 74 and 78 require access to the notes *after* completion of, not during participation in or review of, the interactive learning course. Claims 71-73, 75-77 and 79-81 depend from claims 70, 74 and 78. As the cited reference does not anticipate each and every element of the claim, reconsideration and allowance are respectfully requested.

In addition, Gupta does not "prohibit[] access to the at least one document after completion of the interactive learning course." This limitation is present in Applicant's dependent claims 73, 77 and 81. The Examiner states that Gupta teaches this limitation at page 7, paragraph 90. Applicant respectfully disagrees. Paragraph 90 of Gupta states:

"...According to one embodiment of the invention, annotation server 10 of FIG. 3 supports read and write access controls, allowing the creator of the set to identify which users are able to read and/or write *to the annotation set*. In this embodiment, only those sets for which the user has write access can be entered as set identifier 272." (emphasis added).

The read and/or write access controls referenced by the Examiner are *not* read and/or write access controls to the *document*, but rather are read and/or write controls to the *annotations*. In sharp contrast, Applicant specifically claims that access to the at least one *document* is prohibited but access to the *annotations* or notes is permitted. Therefore, the Examiner's rejection of claims 73, 77 and 81 must fail as well.

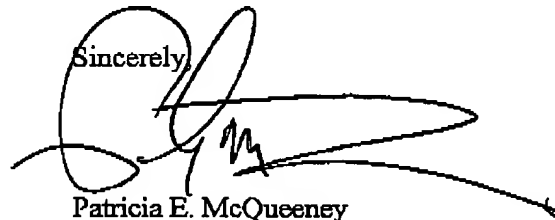
Applicant: James B. Riley
Serial No.: 09/637,388

Applicants have responded to all of the Examiner's rejections. Reconsideration and allowance are respectfully requested.

The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Date: 12.1.05

Sincerely,



Patricia E. McQueeney
Reg. No. 49,083
Brinkley, McNerney, Morgan,
Solomon & Tatum
200 East Las Olas Blvd
Suite 1900
Fort Lauderdale, FL 33301
(954) 522-2200

G:\wpfiles\clients\Learn\05551-pat-elle notetaking\Learn Resp to oa 120105.doc